

JUDGE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR06-5738FDB
)	
Plaintiff,)	
)	ORDER GRANTING STIPULATED
vs.)	MOTION TO CONTINUE TRIAL
)	DATE
CLAY ALLAN NEWBERG,)	
)	
Defendant.)	

Based on the stipulated motion of the parties to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B(ii)).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation his defense. 18
3 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from February 26,
6 2007 to May 29, 2007, at 9:00 am. The resulting period of delay from February 26,
7 2007, up to and including the new trial date of May 29, 2007, is hereby excluded for
8 speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

9 Pre-trial motions are due no later than March 7, 2007.

10 DONE this 9th day of February, 2007.

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JUDGE FRANKLIN D. BURGESS

UNITED STATES DISTRICT JUDGE

Presented By:

/s/ _____

Russell V. Leonard

Attorney for Defendant

/s/ _____

Kent Y. Liu

Assistant United States Attorney